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BEFORE THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE

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IN RE: GENERIC DOCKET TO ESTABLISH)
GENERALLY AVAILABLE TERMS AND)
CONDITIONS FOR INTERCONNECTION)

OFFICE OF THE
EXECUTIVE SECRETARY

DOCKET NO. 01-00526

COMMENTS OF XO COMMUNICATIONS, INC.

XO Communications, Inc. ("XO") submits the following comments in response to the Hearing Officer's "Report and Recommendation" of March 15, 2002.

XO fully supports the Hearing Officer's recommended modifications to the draft interconnection agreement filed by BellSouth Telecommunications, Inc. ("BellSouth"). The modifications appear to be consistent with the Authority's decisions, at least to the extent those decisions have been made public in written orders or in deliberative sessions.¹

Furthermore, XO supports the Hearing Officer's decision to set a hearing in this matter to address unresolved issues. XO suggests, however, that such a hearing will be more productive if the parties meet in a workshop-type proceeding prior to the hearing. There can be a second workshop after the hearing "to negotiate the language to be placed in the final standard Interconnection Agreement." Report and Recommendation, p. 7.

The reasons for having at least one workshop session prior to a hearing are as follows:

1. The parties may be able to resolve some issues and make a joint recommendation to the Authority. The TRA would, of course, retain the right to determine whether or not that recommendation is consistent with

¹ Once the TRA issues a written order in docket no. 00-00544 (line sharing), there may be some additional "controlling Authority decision" which will impact this docket.

state and federal law and the public interest. Although it seem unlikely the parties will reach agreement on all, or even a majority, of the issues cited by the Hearing Officer, the parties may well be able to agree on some of the less controversial issues such as the standard length of an interconnection agreement.

2. A pre-hearing workshop will likely result in adding additional issues to the list and better refining² existing issues. Because of the rapid evolution of the telecommunications industry, it is inevitable that new issues will continuously arise. A workshop would assist the TRA in identifying those issues and insuring that the proposed Standard Agreement is as current as possible. For example, there are several new issues concerning DSL service which have been raised in a pending arbitration (see Cinergy arbitration petition, docket 01-00987). These issues may or may not be resolved in that arbitration³ and perhaps should also be included in this proceeding. There are undoubtedly other issues now being discussed between BellSouth and individual CLECs in the negotiation process. The TRA should be informed of these issues so that the agency can determine whether or not to address them in this docket. Finally, a pre-hearing workshop will help educate both the parties and the TRA staff about the

² The Hearing Issue raised in Section 5.6.4 seems also to be addressed in the Recommended Modifications, Section 5.6.4.

³ For example, BellSouth has argued in Cinergy's Kentucky arbitration, now pending, that some DSL related issues, such as the availability of packet switching as a UNE, should be addressed in a proceeding like this docket rather than in a two-party arbitration.

proposed hearing issues. Because of the one-on-one nature of an arbitration proceeding, it is likely that only BellSouth has a comprehensive knowledge of all the proposed issues and the best grasp of potential new issues. A workshop will help the other parties and the TRA staff better understand those issues which some CLECs may have overlooked in the negotiation/arbitration process.

For these reasons, XO suggests that there is nothing to lose and, potentially, much to gain in conducting at least one workshop prior to the hearing in this case. Following the hearing, the TRA can convene a second workshop for the reasons outlined in the Hearing Officer's Report.

Respectfully submitted,

BOULT, CUMMINGS, CONNERS & BERRY, PLC

By: _____

Henry Walker

414 Union Street, Suite 1600

P.O. Box 198062

Nashville, Tennessee 37219

(615) 252-2363

Counsel for XO Communications, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on the 2nd day of April, 2002, a copy of the foregoing document was served on the parties of record, via hand-delivery, overnight delivery or U.S. Mail, postage prepaid, addressed as follows:

H. LaDon Baltimore, Esq.
Farrar & Bates
211 Seventh Ave. No., #320
Nashville, TN 37219-1823

Charles B. Welch, Esq.
Farris, Mathews, et al
618 Church St., Suite 300
Nashville, TN 37219

Jon E. Hastings, Esq.
Boult, Cummings, et al.
P.O. Box 198062
Nashville, TN 37219-8062

James B. Wright, Esq .
United Telephone-Southeast, Inc.
14111 Capital Boulevard
Wake Forest, NC 27587

Guy Hicks, Esq.
BellSouth Telecommunications, Inc.
333 Commerce Street, #2101
Nashville, TN 37201-3300

Tim Phillips, Esq.
Attorney General's Office
Consumer Advocate and Protection Division
P.O. Box 20207
Nashville, TN 37202

Dana Shaffer, Esq.
XO Tennessee, Inc.
105 Molloy St.
Nashville, TN 37201

Sylvia Anderson, Esq.
AT&T Communications of the South
Central States
1200 Peachtree St., NE
Atlanta, GA 30367


